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Attorneys for Plaintiff
ADRIANNE DESANTIS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATRICIA DESANTIS, et al.,

Plaintiffs,

Case No. C 07-3386 JSW

**JOINT MOTION TO BIFURCATE THE
TRIAL OF LIABILITY AND**

1 v.

DAMAGES ISSUES

2 CITY OF SANTA ROSA, et al.,

Pretrial Conference: July 2, 2012

3 Defendants.

Time: 2:00 p.m.

Ct rm: 11, 19th Floor

4 Trial Date: September 4, 2012

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6 Comes now Plaintiffs and Defendants, and hereby submit the following as and for their
7 Joint Motion to Bifurcate the Trial of Liability and Damages Issues to be heard and decided at the
8 Pre-trial Conference.

9 Federal Rule of Civil Procedure 42(b) states: For convenience, to avoid prejudice, or to
10 expedite and economize, the court may order a separate trial of one or more separate issues.
11 Courts consider several factors in determining whether bifurcation is appropriate, including
12 separability of the issues, simplification of discovery and conservation of resources, and
13 prejudice to the parties.” *McDermott v. Potter*, No. C 07–06300 SI, 2010 WL 956808, at 1
14 (N.D.Cal. Mar.12, 2010) (citations omitted). The question of whether to bifurcate a trial is
15 committed to the discretion of the trial court. See *Danjaq LLC v. Sony Corp.*, 263 F.3d 942, 961
16 (9th Cir.2001). At the Pretrial Conference , the court has the power to order the presentation of
17 evidence and otherwise facilitate a just, speedy and inexpensive disposition. FRCP 16 (L)-(P)

18 In this instance, the parties stipulate and agree that bifurcation of the trial of liability and
19 damages issues promote the interests of justice. To wit, a finding of non-liability would avoid
20 the time and expense of trial of damages issues. There is little overlap between liability issue
21 evidence and damages issues evidence. Moreover, bifurcation would also preclude any juror
22 confusion arising from concurrent presentation of evidence on both liability and damages issues.
23 It is anticipated that Patricia DeSantis, and no other witnesses, will testify in both liability and
24 damages phases: since she is a party and attending trial, there is no risk of inconvenience to her,
25 and no risk of juror confusion about the intended relevance of her testimony in each phase.

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1 It is respectfully requested that the court order the trial of liability and damages issues
2 bifurcated.

3 Dated: THE SCOTT LAW FIRM

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5 _____
6 John Houston Scott, Esq.
7 Attorneys for Plaintiffs
8 PATRICIA DESANTIS, individually and as S
9 uccessor in Interest for RICHARD
10 DESANTIS, deceased, and as Guardian ad
11 Litem for DANI DESANTIS, a minor

9 Dated: LAW OFFICES OF ERIC SAFIRE

11 _____
12 Eric Safire, Esq.
13 Attorneys for Plaintiffs
14 PATRICIA DESANTIS, individually and as
15 Successor in Interest for RICHARD
16 DESANTIS, deceased, and as Guardian ad
17 Litem for DANI DESANTIS, a minor

15 Dated: LAW OFFICES OF JOHN L. BURRIS

17 _____
18 John L. Burris, Esq.
19 Benjamin Nisenbaum, Esq.
20 Attorneys for Plaintiff
21 ADRIANNE DESANTIS

20 Dated: June 18, 2012 OFFICE OF THE CITY ATTORNEY

21 /s/

22 _____
23 Caroline L. Fowler
24 City Attorney
25 Attorney for Defendants
26 City of Santa Rosa, Santa Rosa Police
27 Officers Rich Celli, Travis Menke, and
28 Patricia Seffens